

Decision Record/Finding of No Significant Impact

BLM Environmental Assessment Number NV-020-04-02

Echo Canyon Project Exploration Plan of Operations

BLM Case File NVN77429

Nevada Cement Company

T. 30 N., R. 33 E., Sections 14, 23, and E ½ Section 8, MDB&M

Background

The Echo Canyon Exploration Project environmental assessment (EA) analyzing the impacts of the proposed exploration plan of operations was sent out for a 30 day public review and comment period on January 21, 2004. A total of 6 public comment letters were received. Two comment letters supported the proposed action. Two of the comments centered on reasonably foreseeable future actions (RFFAs) disclosed in the EA. One pertained to water permitting requirements. The last comment letter addressed RFFAs and wildlife concerns associated with disturbance and habitat modification of the proposed action. The Winnemucca Bureau of Land Management Field Office (WFO) has taken into consideration each of the comments in the preparation of the Decision Record/Finding of No Significant Impact (FONSI).

Decision

The WFO has reviewed the proposed exploration plan of operations for the Echo Canyon Project (Plan) submitted by Nevada Cement Company (NCC) and has prepared the associated EA for the proposal. It is the decision of the authorized officer to allow NCC to proceed with the proposed action to conduct exploration drilling and drilling and development of two water table monitor wells, subject to the stipulations included herein.

Rational

The proposed action is in conformance with and is consistent with the Sonoma-Gerlach Management Framework Plan.

Based on the environmental analysis, the proposed action will not result in any undue or unnecessary environmental degradation of public lands. The proposal is consistent with federal, state and local laws, regulations and requirements imposed for the protection of the environment.

The stipulations and mitigation measures defined in this decision and environmental protection measures described in the proposed action will mitigate impacts to the human environment and have been developed giving consideration to public comments.

The proposed action would not impact any threatened or endangered species or significant scientific, cultural, or historical resources.

Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required.

Stipulations

Facilities will be built to the best management practices (BMPs) identified in the EA, standards outlined in the POO, and those identified in the amended water pollution control and reclamation permits approved by the Nevada Division of Environmental Protection (NDEP). NCC will follow the Plan in regard to other activities associated with the project.

No work is authorized under this Plan until NCC, has complied with other applicable state, federal, and local regulations and have obtained the necessary permits.

Work shall not begin until the BLM Nevada State Office issues a decision accepting NCC's financial guarantee instrument(s). In accordance with the Memorandum Of Understanding between BLM and NDEP (7/02), the instrument(s), or portions thereof, shall not be released until the BLM Winnemucca Field Office and the Bureau of Mining Regulation and Reclamation of the NDEP, determine that adequate reclamation has been successfully completed.

Unless otherwise agreed upon by the BLM WFO, all changes to the operation from the current Plan shall require NCC to submit an amendment to the Plan or submit a new plan of operations for review under 43 CFR 3809 Regulations.

NCC shall notify the BLM WFO in the event of a temporary cessation of operations. If such cessation occurs, the notification shall include a map showing the current disturbance, reclaimed areas, and areas where temporary stabilization measures have been completed.

NCC shall use the BLM recommended seed mixes in Appendix A of the EA for reseeding disturbed areas.

NCC shall implement environmental monitoring and protection measures as described in Section 2.1.9 of the EA, excepting those in section 2.1.9.7. Section 2.1.9.7 is hereby revised per the wildlife environmental protection measures listed under numbers 1 through 8 of the following monitoring and mitigation measures.

Mandatory Monitoring and Mitigation Measures

1. NCC shall monitor sage-grouse activity at the site beginning March 15, 2004 through May 1, 2004 using NDOW approved protocol under the supervision of a BLM approved biologist. Reports of lek activity shall be submitted to BLM and NDOW weekly. If no strutting activity is observed by April 1, 2004 then construction and drilling could begin. If sage-grouse activity is observed, then construction of

exploration roads, drill pads and drilling may begin no sooner than May 15. Monitoring and reporting shall also continue through May 15.

2. If it is infeasible to postpone these activities until May 15, 2004, construction and drilling shall begin at the southern end of the project area and work shall progress north. Until May 15 no construction or drilling activity shall commence before 10:00 AM each day, and activities must cease by 7:00 PM. After May 15th time restrictions are lifted.

3. Based on the monitoring reports, if strutting is observed, road and drill pad locations nearest to the lek would be altered to minimize line of sight between the lek and the pad, if construction cannot be avoided before May 15.

4. If it is determined that the lek is abandoned as a result of project activity, NCC shall develop and implement a sage-grouse mitigation plan agreeable to BLM and NDOW. This mitigation could plan include sage-grouse habitat restoration within in the Humboldt Range.

5. Monitoring shall be conducted during road building to determine if sage-grouse or migratory bird nesting would be affected by construction activities. A no-disturbance zone shall be placed around migratory bird or sage-grouse nesting sites discovered before or during construction or operations. NCC will provide GPS coordinates for nesting sites.

6. NCC shall continue to monitor for sage-grouse, pygmy rabbit and migratory bird activity at the site beginning March 1 through May 1 each year, using BLM and NDOW approved protocol. A monitoring program shall continue until a mine plan of operation has been approved or a decision not to pursue the RFFA has been made. NCC shall also survey for the presence and/or absence of pygmy rabbits during this monitoring period. NCC shall provide copies of monitoring reports to BLM and NDOW within 30 days after the end of each monitoring period.

7. Cutting large-diameter pinyon (6" or greater) and/or juniper trees shall be avoided to prevent disturbance of tree roosting and brood rearing bats that are likely to occur in the area.

8. Should any wildlife mortalities occur as a consequence of the Proposed Action BLM and the NDOW will be notified immediately.

9. Monitor well heads shall be limited to no more than 12 inches above the surface so they would not be seen from the Emigrant Trail. They shall be painted to blend with the surrounding vegetation.

10. If during the course of work, Native American burials, funerary objects, sacred objects, or objects of cultural patrimony, as defined at 43 § CFR 10.2, are found, NCC must immediately notify BLM. NCC shall cease all work in the immediate

vicinity of the discovery and protect it from project activities of 30 days or until notified to proceed by the authorized officer.

11. Drilling fluid or water shall be used to control dust during drilling activities. Roads shall be watered as necessary to prevent fugitive dust.

12. Monitoring of the reclaimed site shall be undertaken to assure that revegetation is satisfactory. NCC shall conduct annual inspections using a qualified individual, knowledgeable in revegetation success, during the peak green growing season. If revegetation is not successful after the second growing season, based on *Guidelines for Successful Mining and Exploration Revegetation*, NCC would coordinate alternative revegetation requirements with the BLM.

**FINDING OF NO SIGNIFICANT IMPACT
FOR
Nevada Cement Company
Echo Canyon Exploration Project**

I have reviewed Environmental Assessment (EA) NV-020-04-02, dated January 21, 2004. After consideration of the environmental effects as described in the EA, and review of the associated exploration plan of operations for the Echo Canyon Project, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined the proposed action is in conformance with the approved Sonoma-Gerlach Management Framework Plan and is consistent with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments.

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: NCC proposes to conduct an exploration drilling program for limestone on the west flank of the Humboldt Range just south of Echo Canyon. The program would be located on public land in sections 8 and 14, and on private land in section 23, T. 30 N., R. 33 E., MDB&M in central Pershing County, Nevada. The proposed project would occur along the I-80 transportation corridor which includes the Santa Fe Pacific railroad line and frontage roads that provides access for several local businesses, Rye Patch recreational area, and a housing development in the vicinity of the proposed action.

Pershing County has passed a resolution supporting the proposed action in that the reasonably future foreseeable action (RFFA) disclosed in the EA would be an important

development to the county; provide benefits to the county by adding tax base and stability to the economy by generation of employment.

However the Nevada Department of Wildlife (NDOW) and the Nevada Division of State Parks have expressed concerns about future impacts that may result from the same RFFA. Should NCC propose that action, those concerns would be addressed.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The environmental assessment has considered both beneficial and adverse impacts of the exploration drilling project.

Fugitive dust during construction would result from removal of vegetation and exploration traffic. Dust suppression measures are included in the proposed action. Impact would be considered low.

Disturbance of ground could facilitate the establishment of invasive, non-native and noxious weeds. The impact would be considered low.

Impacts to migratory birds would be considered low with implementation of environmental protection measures and mitigation measures described herein.

There would be short-term fragmentation and reduction of available wildlife habitat as result of removal of vegetation on some of the drill sites and access routes. Special status species and wildlife in general would be disturbed and temporarily displaced during project activities expected to last 3 months. Based on NDOW provided comments monitoring and mitigation measures were developed to minimize intensity. These measures are stipulated in the DR. Impacts would be considered low.

Disturbance of vegetation could be short in duration and prescribed reclamation activities would return the area to near pre-exploration conditions.

Impacts to ground water would be low due to enforcement of State drilling regulations. Surface waters impacts would be considered low. Potential for surface runoff from drill sites and access will be mitigated by BMPs.

Exploration drill roads would be highly visible to the residents of nearby housing development, visitors to the Rye Patch recreation area, people visiting the nearby truck stop and travelers along the interstate. Though reclamation would be concurrent, there would be a color contrast between the bare earth or new vegetation and adjacent mature vegetation. Impacts are considered low to moderate until revegetation is established.

The action would have a temporary positive economic affect on Pershing County.

2) *The degree to which the proposed action affects public health or safety.*

Implementation of components of the proposed action will not result in potentially substantial or adverse impacts to public health and safety. Workplace hazard risks assessments would be completed by the workforce supervisor prior to on-the-ground activities. Reclamation would be concurrent with exploration activities thereby minimizing public exposure to potential health or safety concerns.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area does not contain any known historic or cultural resources, park lands, prime farmlands, or wetlands. The California Emigrant trail is in close proximity to the proposed monitor well locations. However the project would be of short duration and monitor well heads would not be visible from the trail. Therefore there would be no adverse impact to the setting of the emigrant trail.

The project is within the view shed from isolated locations within the Rye Patch State Recreation area. However, the effects of the proposed action on visual resources would be short term, during low use periods at the recreation site, and consistent with BLM Class II management objectives.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Responses that resulted from the public comment period and initial public information meeting indicate that the RFFA disclosed in the EA would likely to be highly controversial if proposed. The proposed action in itself is not likely to be highly controversial so long as environmental protection and mitigating measures defined in the EA and DR are applied.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no known effects of the proposed action identified in the EA which are considered highly uncertain or involve unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The environmental assessment has considered if the action related to other actions would result in significant cumulative impacts. No significant cumulative impacts were identified in the EA related to past and present actions in the Cumulative Effects Study Area.

Reasonably future foreseeable actions would have potential cumulatively significant impacts. Positive cumulative socioeconomic impacts from RFFAs would be rated high. The impacts to visual resources would be moderate to high. Cumulative impacts to annual groundwater use would be high.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) were identified in the project area and EA. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

The action would not adversely affect an endangered or threatened species or its habitat.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The action conforms with Federal, State, or local laws to the maximum extent possible. Based on the environmental analysis, the proposed action will not result in any undue or unnecessary environmental degradation of public lands. The proposal is consistent with requirements imposed for the protection of the environment.

Terry A. Reed, Field Manager

Date

attachment: Echo Canyon Exploration Project EA, NV-020-04-02 Errata Sheet